

## CITY COUNCIL PROCEEDINGS

Tuesday, March 2, 2010

### 1. CALL TO ORDER AND ROLL CALL

Mayor Osborne called the regular March 2, 2010 council meeting to order at 6:00p.m.in the council chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian and Morzel.

Mayor Osborne spoke to an incident at the last business meeting. She commented that her intention was always to conduct a meeting that was welcoming and open. She indicated that later in the evening Council would discuss potential revisions to its procedures related to public participation.

### 2. PUBLIC PARTICIPATION and COUNCIL/STAFF RESPONSE

1. Mary Young spoke to watching someone's Amendment 1 rights being violated in the council chambers at the last council meeting. She asked council to please consider a public apology.
2. Elizabeth Allen encouraged council to discuss medical marijuana in the context of its medicinal uses and she agreed with the staff recommendations. She indicated she was embarrassed by council members who took matters into their own hands at the last council meeting for having a resident arrested. She urged a public apology.
3. Carla Selby pooling time with Stan Weeks and Kelly Moore also spoke to the incident at the last council meeting. As the former Chair of the Boulder ACLU, she had never seen such a reprehensible violation of a citizen's First Amendment rights. She called for the resignation of Council Members Karakehian and Wilson and the loss of job of City Clerk Lewis and the Police Officer involved.
4. Robert Sharpe spoke to a steady diminishment of public participation. He appreciated the apology from the Mayor. Mr. Brigham should be compensated for the ordeal he endured. He noted the City seemed to have little tolerance for criticism and no one on Council had stood up for residents whose public speaking rights are affected.
5. Steve Pomerance acknowledged a very good job from the City Manager on the factual report on the Brigham incident and felt the Mayors apology was well done. He suggested Council get rid of the no personal attacks in the council procedures and get rid of the rule allowing the Mayor to interrupt people. Make sure rules are clear that the Mayor and Council Members do not direct the Police. Strengthen the conflict of interest and campaign finance rules. He also suggested Council issue an apology to Seth Brigham and post the First Amendment above any public speaking rules in the council chambers.
6. Bill Townsend, 1909 9<sup>th</sup> Street resident, spoke to a new medical marijuana business in his neighborhood that he felt was affecting the quality of life. He suggested council consider further restrictions in mixed-use complexes. Property resale value and crime in the area were his primary concerns. He asked council to preclude the operation of medical marijuana dispensaries in mixed use zones and do so retroactively or at minimum support the Planning Board's recommendation.

7. Ryan Hartman, owner of the Boulder Wellness Center, acknowledged the last speakers' comments and encouraged council to consider burglary statistics for other businesses. He spoke to the unfair treatment medical marijuana business owners receive.
8. Timothy Rea, Upland Avenue resident and owner of Helping Hands Herbals spoke to the proposed fees included in the ordinance and proposed state legislation. He noted he could be looking at \$18,000 to run both of his stores. He asked council to consider the impact on business owners.
9. Stephen Keenan also spoke to medical marijuana and commented that other municipalities are going to look to Boulder as an example of how to handle the issue. He urged council to go further than ever and make a public statement about medical marijuana.
10. Brooke Wise, a member of Growing Colorado, spoke to the application fees and process and how this may affect people who grow marijuana as a care giver. She raised concern about what the retail food requirements would be. A distinction needed to be made between wholesale grow operations and retail sales operations. She also commented that record keeping was a clear violation of HIPPA.
11. Adam Odoski, a medical marijuana dispensary and healing arts center owner, spoke to his goal of helping the City create sensible regulations. He urged council to see the value medical marijuana businesses bring to the community both economically and spiritually and reconsider the hefty licensing fees. Does Council want to continue passing high costs to consumers in this time of healthcare crisis?
12. Isaac Savitz, also with Growing Colorado, encouraged regulation but didn't feel the fees were realistic for business owners. He made a distinction between liquor stores which were recreational and marijuana dispensaries which were medicinal. He proposed teamwork between the City and local medical marijuana dispensary owners. [growingcolorado@gmail.com](mailto:growingcolorado@gmail.com)
13. Mark Young pooling time with Aaron Urist and Vic Sicard, owner of Crossroads Wellness, asked Council to look harder at what the fees would be used for and avoid duplication. More discussion was needed about other activities that need to be offered in a facility as some activities don't necessarily accommodate the size limitation in the ordinance. He would like to see a different regulation about who can administer medicine if the caregiver can't be involved. Please don't just regulate for abusers but make sure the people who need it can access it.
14. Jennifer Labrecque, co-owner of new options wellness and Growing Colorado member, spoke to discrepancies between proposed Boulder legislation and proposed state legislation. She also felt it was offensive to compare medical marijuana dispensaries to liquor stores.

Public participation was closed at 6:48 p.m.

City Attorney Response:

Acting City Attorney Gehr noted that a staff group would convene on Wednesday morning to review all of the questions and comments received thus far and commented that the medical marijuana item would likely be postponed to allow for more staff analysis.

City Manager Response:

None

City Council Response:

Council Member Morzel apologized to the community for violating freedom of speech and acknowledged that everyone was welcome to speak in Boulder.

3. **CONSENT AGENDA: - 6:51 p.m.**

A. **APPROVAL OF CITY COUNCIL MEETING MINUTES FROM FEBRUARY 2, 2009.**

Council Member Gray recused from the item as she was absent.

B. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE JANUARY 12, 2010 JOINT CITY COUNCIL AND PLANNING BOARD STUDY SESSION REGARDING THE TRANSIT VILLAGE AREA PLAN (TVAP) IMPLEMENTATION.**

C. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE JANUARY 26, 2010 STUDY SESSION ON REGIONAL TRANSPORTATION ISSUES.**

D. **ITEMS RELATED TO MEDICAL MARIJUANA:**

1. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 7716 AMENDING TITLE 6 BY THE ADDITION OF A NEW CHAPTER 6-14, "MEDICAL MARIJUANA," B.R.C. 1981; TERMINATING INTERIM REGULATIONS ADOPTED BY ORDINANCE NO. 7707; ADDING A NEW SECTION 4-20-64, "MEDICAL MARIJUANA DISPENSARIES," TO CHAPTER 4-20, "FEES," B.R.C.1981; AND SETTING FORTH RELATED DETAILS; AND**

2. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY EMERGENCY ORDINANCE NO. 7717 EXTENDING ORDINANCE NO. 7707 (REGARDING INTERIM REGULATIONS FOR MEDICAL MARIJUANA BUSINESSES) THROUGH THE EFFECTIVE DATE OF THE ABOVE REFERENCED ORDINANCE (ADOPTING A NEW CHAPTER 6-14 REGARDING MEDICAL MARIJUANA).**

Council Member Gray asked about mixed-use buildings and asked to staff to comment on how to regulate dispensaries in buildings that have residential. She also requested more information about fees and would like to look at those in the context of other fees that are shown in the budget.

Deputy Mayor Wilson raised concern about fees and how Boulder's legislation would interface with state legislation. He suggested that Boulder passing an ordinance might help efforts at the State level as it would show that cities are ready to regulate. He noted that hours of operation were still an issue.

Council Member Cowles noted he would like responses to the questions raised during public participation. In particular, what would happen when someone owned multiple dispensaries? Would there be multiple fees? He wanted to know the justification behind the City's proposed fees. He requested more analysis on the size limitation for the reasons cited by public participation speaker Mark Young. He also asked what the

rationale was for restricting on-site consumption. He felt most strongly about grow operations and would like to see them required to purchase 100% wind power to help reduce Boulder's carbon footprint.

Council Member Karakehian spoke to a letter from the Townsends and wanted staff to take a harder look at placing businesses in mixed-use buildings/zones. He did not understand why the names and addresses of all financiers would be required. He was also confused by section 6-14-8 that required that the business manager be on premise and responsible for all activities at ALL times and wondered why that was added.

Council Member Becker raised concern about regulations that the caregiver be on site as well as the mixed use issue. She was concerned about potential conflicts with state law. She requested more information about the cradle to grave idea of regulating and asked staff to provide information about when the good neighbor policy is required.

Council Member Ageton wanted to better understand the nexus between medical marijuana and using the liquor license approach. She requested better rationale. She clarified that the fees were about covering the city's cost and not making a profit.

Mayor Osborne commented that mixed-use projects were a concern noting that Council built the regulations to require residential in some mixed-use zones. What would happen in a building where people live? She agreed with the other questions raised by Council. She agreed with the notion of a green ribbon panel or open conversations with Growing Colorado to discuss areas where further clarification was needed.

Council Member Morzel agreed it was a good idea to sit down with a green ribbon panel to look over the ordinance so the requirements are clear. Regarding mixed-use properties, she asked whether alcohol establishments are allowed in mixed-use developments.

Deputy Mayor Wilson asked if it would be legal for a distribution establishment to rent space out for parties after hours.

Council Member Cowles moved, seconded by Morzel to approve consent agenda items 3A through 3D with the addendum to item 3D (pink handout). The motion carried unanimously 9:0; Gray recused on item 3A.

4. **CALL- UP CHECK IN: - 7:06 p.m.**  
There were no call-ups on the agenda.

## **ORDER OF BUSINESS**

5. **PUBLIC HEARINGS: - 7:07 p.m.**
- A. **CONSIDERATION OF A MOTION TO PROVIDE DIRECTION ON THE TRANSIT VILLAGE AREA PLAN (TVAP) IMPLEMENTATION WORK PROGRAM AS DESCRIBED AND DISCUSSED AT THE JOINT STUDY SESSION ON JANUARY 12, 2010.**

Community Planning Director David Driskell provided the presentation on the item. Mr. Driskell reviewed phases 1 and 2 of the Transit Village Area Plan Implementation, provided an update on recent development proposals as well as an update on the RTD site. He then discussed the implications of the CU East Campus and reviewed the next steps and schedule of tasks. He also discussed the renaming of the area.

Council Member Karakehian asked about the funding options for the first level of improvements. Louise Grauer explained that funding options would be brought forward next year as part of the first budget supplemental (2011 budget).

Council Member Ageton indicated she was confused about the terminology regarding Junction Place (just N of pearl parkway, yet it extends south). Staff explained that the area concept plan for the largest portion of the property, west of the tracks, had not gone to Planning Board yet.

Council Member Cowles asked why the blocks are east to west and what the size of the blocks were.

Council Member Appelbaum asked for more information about the unusual revenue sharing model. It would be good to know more about the funding.

Council Member Cowles asked the public hearing speakers to address whether they were satisfied with plan.

The public hearing was opened: - 7:38 p.m.

1. John Pawlowski, representing his 65 unit townhouse project on Bluff street, supported the project as recommended by Planning. He noted there was a lot of private money wanting to invest in the project that the planning process is delaying.
2. Andrew Cookler, owner of property in phase II of the planned area. Felt the plan should NOT be thrown out. He supported moving forward with the staff and Planning recommendations. However, he felt the plan ignored reality in terms of the funding. He suggested the City put in the roads and infrastructure and make it a 50-year plan that is easy and flexible and please put in enough parking.
3. Roy Young, owner of property at 3564 Pearl Street, would vastly benefit if plans for the Transit Village went forward. He felt there were more obstacles than incentives. He questioned whether financing was available, the zoning patchwork, and the train noise and wondered whether it would be a good place to live. Staff could benefit from independent staff analysis outside of the City. He asked for a chance for rebuttal in public participation at Planning Board as there were too many misstatements.
4. Andrew Bursh, working with Sutherlands to develop the concept property, suggested the area be known Boulder Commons. He felt the project was on the right track. It had good zoning categories. Please move forward with infrastructure funding – this was a unique use of city funds.
5. Robert Sutherland, owned & operated Sutherlands since 1972, spoke in support of the plan, particularly the zoning. He urged Council to approve staff moving forward on the project.



6. Elizabeth Allen asked whether the public would be allowed to comment as the phase I items moving forward. Staff clarified that yes, there would be an opportunity for public comment.

There being no further speakers the public hearing was closed.

Council Member Morzel moved, seconded by Gray to direct the interdepartmental staff team members to move forward on the Transit Village Area Plan Implementation tasks as described and discussed at the Joint Study Session on January 12, 2010 and listed in Attachment A. The motion carried 8:1; Appelbaum opposed.

**B. THREE ITEMS RELATED TO TREE PROTECTION: - 8:27 P.M.**

- 1. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7712 AMENDING TITLES 4 AND 6 B.R.C. TO ESTABLISH REQUIREMENTS FOR CERTIFIED ARBORIST LICENSES AND OTHER REQUIREMENTS RELATED TO THE PLANTING, CUTTING, REMOVING, OR APPLYING OF PESTICIDES TO ANY TREES; AND**
- 2. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7713 AMENDING TITLE 8, B.R.C. 1981 TO CREATE AN AFFIRMATIVE OBLIGATION OF ADJACENT PROPERTY OWNERS TO MAINTAIN STREET TREES AND TITLE 9, B.R.C. 1981 TO ESTABLISH TREE PROTECTION REQUIREMENTS IN THE SITE REVIEW, SUBDIVISION, AND LANDSCAPING STANDARDS; AND**
- 3. A REQUEST FOR COUNCIL DIRECTION ON PHASE 2 ACTIVITIES FOR FURTHER DEVELOPMENT OF TREE PROTECTION STANDARDS AND REGULATIONS.**

Elizabeth Lokocz provided the presentation on this item. She reviewed the ordinance elements that included the arborist certification, obligation to maintain street trees, tree inventory for discretionary reviews, trees in adjacent setbacks, and landscape guarantee. She explained that staff was also seeking council direction on Phase 2 activities. Phase 2 activities could include mitigation requirements for discretionary review projects, preservation of significant trees by requiring removal permits, landmark trees, and other changes such as private tree mitigation and/or trees in adjacent setbacks.

Council Member Cowles mentioned a recent hotline with photos of trees and asked whether staff considered the feasibility of preventing the cutting of trees in the front yard setback. This was considered as part of phase I. It is a dramatic change from what was currently being done and had significant staffing implications. It could be pursued as part of phase 2.

Council Member Appelbaum referenced page 23 relating to the pros and cons and additional costs to contractors and the public in regard to public trees. He clarified that the Ordinance states "any" tree.

Council Member Becker requested a copy of the slide presentation. She asked what type of projects the landscape guarantee applied to. Staff clarified that the landscape guarantee applied to any project that was required to have a landscape plan and was based on the value of the project.

Council Member Gray indicated it would be useful to have data on the number of residential projects affected and where they are located. She suggested the City should look at its own properties and make sure it is maintaining its trees. She asked whether phase II would address trees crossing property lines. Staff responded that Phase I included the tree inventory which resolved the issue partly.

Council Member Ageton referenced Ordinance No. 7713 and asked whether the landscape setback only applied to the street side of the property. She noted that the reference to “any property adjacent to...” wording wasn’t clear. She suggested the Ordinance title was not clear regarding the regulations included. She asked where the issue was addressed about trees on a side yard property line. Staff responded that Phase I did not add any level of protection to a side yard property line but Phase II would add specific protection. Council Member Ageton asked that if it was an adjacent property owners’ duty to maintain street trees, how that would be enforced. She commented that section 8-2-25 language was not clear and asked for further clarification regarding section 6-6-7.

Council Member Cowles asked if there would be any requirement for a street planting program.

Council Member Morzel asked whether there was a requirement of property owners to maintain the landscaping (referencing page 19 of Ordinance No. 7713). She also asked whether the City anticipated creating a program in which a tree trimmer could become a certified arborist. Staff responded there was already a certification program via the National Association of Arborists.

Council Member Karakehian raised concern that requiring an arborist for planting and pruning could be just an increased expense to the home owner.

Deputy Mayor Wilson asked if a landscape guarantee was in place, how could a resident dispose of a tree for good reason (such as installing photovoltaic panels). Staff indicated this would not be a Planning Board level review. Deputy Mayor Wilson raised concern about section 8-2-25 in terms of the base and irrigation.

The public hearing was opened: - 9:39 p.m.

1. Elizabeth Allen agreed with all recommendations to protect mature trees from getting cut down. She suggested the 5-year period be extended further.
2. Margery Goldman owned the horse chestnut tree on Pine Street and asked Council not to forget how this all started. She commented that the City needed to move toward a heritage tree protection ordinance to locate and identify trees like the horse chestnut. She noted there was nothing in the historic landmark code that excluded trees; it could be a home or “other” feature.
3. Aaron Taddiken, owner of Taddiken Tree Company in town, wondered why there was no licensing program in Boulder for arborists. Safety is a big issue as tree trimming is one of the most dangerous industries for personal injury of workers in the country. Please follow stringent safety policies and consider licensing arborists.

There being no further speakers the public hearing was closed. – 9:47 p.m.

Mayor Osborne indicated she would like to see the portions of the Ordinance that were deleted in order to see the context of the code.

Council Member Morzel moved, seconded by Appelbaum to continue the discussion of Ordinances No. 7713 and 7712 and asked that it come back in an appropriate time. The motion carried unanimously, 9:0. – 9:49 p.m.

- C. **AN ITEM RELATED TO THE COLLECTION OF THE CITY'S CONSTRUCTION USE TAX:**  
**SECOND READING AND CONSIDERATION OF ORDINANCE NO. 7715 AMENDING CHAPTER 3-2, "SALES AND USE TAX," B.R.C. 1981, BY ADDING AN ADDITIONAL APPEAL PROCEDURE FOR A CLASS OF CONSTRUCTION USE TAXPAYERS THAT WERE THE SUBJECT OF CONSTRUCTION USE TAX REVIEW BETWEEN JANUARY 1 AND JUNE 30, 2009, AND SETTING FORTH RELATED DETAILS. – 9:50 P.M.**

Acting City Attorney Gehr indicated that the item was being presented in response to Council direction in December 2009.

Council Member Appelbaum moved, seconded by Morzel to adopt Ordinance No. 7715 amending Chapter 3-2, "Sales and Use Tax," B.R.C. 1981, by adding an additional appeal procedure for a class of construction use taxpayers that were the subject of construction use tax review between January 1 and June 30, 2009, and setting forth related details. The motion carried 8:1; Ageton opposed. – 9:53 p.m.

Public participation was re-opened at 10:49 p.m.

1. Mitchell Smith spoke to the home occupation code not being clear, particularly if he had a medical marijuana businesses and/or wanted to manufacture something from home. He asked Council to have Environmental Zoning and Enforcement work on this.
2. Ed Withers, 1909 9<sup>th</sup> Street resident in a mixed-use development asked Council to require a use review for marijuana dispensaries in mixed-use developments. Children live there so it may be difficult to market those areas to people with kids.
3. Daniel Craveiro, 3090 Denton Avenue, urged Council to strike the provision against on-site cannabis consumption. It goes against some goals of the ordinance (...to provide safe and convenient access and protect public and patients from irresponsible use practices).
4. Pierre Werner, runs Dr. Reefer.com dispensary, thanked Council for touring the local businesses and for taking a hands on approach. He suggested Council push business hours back to a 9 a.m. opening and allow dispensaries to close later around 11 p.m. He encouraged on-site consumption so owners could test medications from suppliers to see if there is an appropriate affect.
5. John F. Gormley III spoke to medical marijuana noting that the size constraints were an issue. He did not want to sacrifice other activities due to a smaller space.
6. Rob Smoke expressed his disappointment in the actions against Mr. Brigham at the last council meeting. He called it a threat to the integrity of civic discourse. An apology is owed to Mr. Brigham. Please clear up the issue of personal attacks and the city's procedures.

Public participation was closed at 10:15 p.m.

6. **MATTERS FROM THE CITY MANAGER: - 10:15 p.m.**



**A. COUNCIL GOALS UPDATE.**

City Manager Brautigam indicated that a work plan was provided for Council as well as in a goal summary format. These items will be provided in the agenda packet reference section going forward.

**7. MATTERS FROM THE CITY ATTORNEY: - 10:16 p.m.**

**A. CONSIDERATION OF A MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT IN THE LITIGATION BROUGHT AGAINST THE CITY AND ITS EMPLOYEES BY JONATHAN LEMERY.**

Deputy Mayor Wilson moved, seconded by Gray, to authorize the city manager to enter into a settlement agreement in the litigation brought against the city and its employees by Jonathan Lemery that includes payment of \$230,000 in exchange for a general release of all claims against the city and its employees.

**8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

**A. COUNCIL DISCUSSION REGARDING THE FEBRUARY 25, 2010 AFFORDABLE HOUSING WEEKLY INFORMATION PACKET MEMO. – 10:20 P.M.**

Council generally agreed to wait to discuss the affordable housing task force issue until staff brought forward a proposal on April 20.

Council Member Gray raised concern that residents of existing lower income areas such as mobile homes were not included in the task force. Residents of Mapleton Mobile Home Park and some of the smaller non-profits should be included. She clarified there would be a three week public notification process/interest period. She would like to see the scope, function etc... of the work group included in Council materials.

Council Member Morzel suggested that former council members could be a good resource.

Council Member Ageton moved, seconded by Morzel to suspend the rules and continue the meeting at 10:30 p.m. The motion carried unanimously 9:0.

**B. DISCUSSION REGARDING RESCHEDULING THE MARCH 16, 2010 COUNCIL MEETING AND RESCHEDULING THE BOARDS & COMMISSIONS APPOINTMENTS. – 10:35 P.M.**

Council Member Appelbaum moved, seconded by Morzel to cancel the March 16 council meeting and reschedule the meeting for Wednesday, March 17 at 6p.m. and calling a special meeting on Wednesday, March 31 at 4 p.m. to conduct Boards and Commissions Appointments.

**C. DEBRIEF OF FEBRUARY 16, 2010 COUNCIL MEETING. – 10:40 P.M.**

City Manager Brautigam reviewed the recommendations from staff which included implementing the microphone section in the memo and the meeting management section.

Council Member Appelbaum commented that he was astonished at how things turned out. He acknowledged there were a lot of mistakes and was an over reaction. Direction from Council at the Retreat may have caused the Mayor to be too aggressive.

Council Member Karakehian acknowledged that everything happened very quickly. He apologized for the part he played in the incident but stressed the importance of keeping decorum.

Council Member Morzel was also astonished with what happened. She compared what the 3 minutes would have meant versus the time Council and staff had spent on the matter now. She felt Council owed Seth and the public an apology. Distinction about a Police Officer being present for parliamentary issues vs. public safety issues needed to be made. She agreed it was important to keep decorum. She felt at times the Mayor was undermined by council members. The Mayor is the leader. She agreed the procedures were vague regarding personal attacks and the task force should seriously consider Steve Pomerance's comments.

Council Member Morzel moved, seconded by Ageton to suspend the rules and continue the meeting at 11:30 p.m. The motion carried unanimously 9:0.

Council Member Ageton commented she felt terrible about what happened and never expected an arrest. She acknowledged an inherent tension between freedom of speech and maintaining civility and a sense of security and decorum. She asked the task force to take a look at the issue including what other peer cities have done regarding this issue.

Mayor Osborne agreed with Council Member Ageton's points. She expressed that she felt bad about how quickly things happened and was trying to diffuse a situation that was heading toward a personal attack. She commented she would take it back if could.

Deputy Mayor Wilson commented that he would appreciate if other council members had a problem with something he did that they call him directly versus speaking to the newspaper. He took responsibility for causing the microphone static. He felt there were times that the individual involved had made threatening statements to him.

Council Member Gray commented that it was unfortunate what happened. She agreed that the personal attacks portion of council procedures was too vague. She recommended removing the last sentence in that section and utilizing Roberts Rules of Order.

Council Member Cowles commented that he values free speech and it what happened occurred in an unexpected way. He suggested Council strike language about personal attacks. Public officials need to be tough skinned and allow the public their 3 minutes.

Council Member Becker expressed that the arrest went too far and Council had to be prepared for criticism. There is a need for civility and avoiding a free for all. She acknowledged in this case there was a history of physical and verbal threats outside of what had been said at council meetings.

Staff clarified that Council Members Morzel and Karakehian were assigned to the task force established at the retreat to review public participation. The task force was asked to ensure the language is correct on public speaking sign up forms.

9. **PUBLIC COMMENT ON MATTERS:** – 11:45 p.m.

1. Stephen Keenan thanked Council Members for the hours they put in for the City.

10. **FINAL DECISIONS ON MATTERS:** - 11:48 p.m.

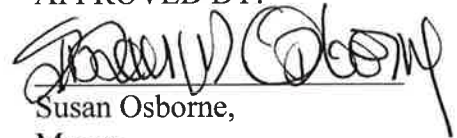
Vote was taken on the motion to authorize the city manager to enter into a settlement agreement in the litigation brought against the city and its employees by Jonathan Lemery that includes payment of \$230,000 in exchange for a general release of all claims against the city and its employees. The motion carried unanimously 9:0.

Vote was taken on the motion to cancel the March 16 council meeting and reschedule the meeting for Wednesday, March 17 at 6p.m. and calling a special meeting on Wednesday, March 31 at 4 p.m. to conduct Boards and Commissions Appointments. The motion carried unanimously 5:0.

11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 11:49 P.M.

APPROVED BY:

  
Susan Osborne,  
Mayor

ATTEST:

  
Alisa D. Lewis,  
City Clerk